

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 10951-11000.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 5, 1923.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10951. Alleged misbranding of cottonseed meal. U. S. v. Red River Oil Co., a Corporation. Tried to the court and a jury. Verdict for the defendant. (F. & D. No. 12366. I. S. No. 11992-r.)

On July 31, 1920, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Red River Oil Co., a corporation, trading at Alexandria, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 11, 1919, from the State of Louisiana into the State of Kansas, of a quantity of cottonseed meal which was alleged to have been misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 36.27 per cent of crude protein, 16.51 per cent of crude fiber, and 5.80 per cent of nitrogen. Examination of the article showed that the average net weight of 60 sacks was 94.3 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "100 Lbs. Gross—99 Lbs. Net," and "Guaranteed Analysis * * * Protein 38.55% * * * Crude Fibre 12.00% * * * Equivalent Nitrogen 6.17%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that each of the said sacks contained 99 pounds of the said article and that it contained not less than 38.55 per cent of protein, not less than 6.17 per cent of equivalent nitrogen, and not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 99 pounds of the article and that it contained not less than 38.55 per cent of protein, not less than 6.17 per cent of equivalent nitrogen, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, each of said sacks did not contain 99 pounds of the article, and the said article did contain less than 38.55 per cent of protein, less than 6.17 per cent of equivalent nitrogen, and more than 12 per cent of crude fiber. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the jury returned a verdict of not guilty.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10952. Misbranding of Vigoron. U. S. v. 216 Dozen Packages of Vigoron. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13325. I. S. No. 2382-t. S. No. C-2152.)

On August 14, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 216 dozen packages of Vigoron, remaining unsold in the

original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Sydney Ross Co., New York, N. Y., on or about July 13, 1918, and transported from the State of New York into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of sugar-coated pills containing compounds of iron, manganese, zinc, arsenic, phosphorus, and strychnine.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, appearing on the label of the bottle containing the said article and in the accompanying wrapper and circular, regarding the curative and therapeutic effect of the article, (wrapper, English and Spanish) "A Blood Making and Purifying Tonic for * * * Neurasthenia * * *," (bottle label, English and Spanish) "For * * * Neurasthenia * * * General Debility," (circular, English) "The Supreme Blood and Nerve Tonic. Recommended for * * * Neurasthenia, Nervous Irritability * * * Impotence, Irregular Menstruation * * * and General Conditions of Debility. * * * Vigoron will bring about marked improvement when taken for the symptoms mentioned * * * Asthma. * * * Boils and Carbuncles. * * * Change of Life or Menopause. * * * Irregular Menstruation * * * Chronic Malaria. * * * Chronic Rheumatism. * * * Debility. * * * Spermatorrhoea, impotence, lost vitality, nervous weakness, neurasthenia, despondency. * * * Disorders of Menstruation. * * * Delayed, scanty, painful or too profuse menstruation * * * take * * * before the expected date for menstruation and continue taking until three days after the flow has stopped. * * * Leucorrhoea or Whites. * * * Nervous Exhaustion, Nervous Dyspepsia, Nervous Headaches, Nervous Debility * * * The woman who expects to become a mother should not use Vigoron until after the fourth month. * * * Rheumatic Gout," (Spanish) "Vigoron Pastillas Invincible Power from Abundance of Blood. A Powerful Making and Purifying Tonic of the Blood for * * * Neurasthenia, General Debility * * * Nervous Dyspepsia, Impotency, and Blood and Nerve Disorders. * * * Vigoron will relieve the symptoms for which it is recommended * * * Disorders of menstruation, retarded, painful or very abundant * * * irregular menstruation * * * Vigoron * * * should be taken * * * preceding the date when the menses will or are supposed to come and * * * until the flow ceases. Ladies * * * approaching the change of life * * * should take Vigoron * * * until the nervous symptoms disappear * * * Retarded menstruation * * * may likewise be stimulated. Pregnant women should take care not to use complete doses of Vigoron until after the fourth month of pregnancy. * * * Leucorrhoea can be cured using six tablets a day * * * Nervous Debility or Neurasthenia, Nervous Exhaustion * * * persons * * * may acquire nervous exhaustion by * * * sexual abuses, by a prolonged genetic excitement and abuse of such sensations during youth * * * ladies suffer menstrual disorders as well as ovarian. In men impotence to effect natural necessities of his sex, extreme organic weakness after satisfying them, or premature flows occur. * * * Nervous Dyspepsia. * * * Boils. * * * Nervous Headache. * * * furuncles. * * * Rheumatic Gout. * * * Herpes of Internal Origin. * * * Intestinal Indigestion. * * * Chronic Paludism. * * * Chronic Rheumatism. * * * Pulmonary Tuberculosis," were false and fraudulent, since the said articles contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10953. Misbranding of Dr. A. W. Chase's nerve pills. U. S. v. 6 Dozen Packages of Dr. A. W. Chase's Nerve Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13350. I. S. No. 10056-t. S. No. W-688.)

On August 18, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen packages of Dr. A. W. Chase's nerve pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Dr. A. W. Chase Medicine Co., Buffalo, N. Y.,